

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

MAR 05 2019

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

UNITED STATES OF AMERICA, )

)

)

Case No. 4:18-cr-00011

)

v. )

)

MARCUS JAY DAVIS, et al., )

)

By: Michael F. Urbanski

Defendants. )

)

United States District Judge

**THIRD AMENDED SCHEDULING ORDER\***

In order to protect the rights of the parties and ensure the timely and efficient trial of this large, complex criminal case, the following pretrial deadlines are established:

1. This case is set for trial for seven weeks to begin on October 7, 2019 in the first floor courtroom in Roanoke.
2. The government shall substantially complete all pretrial discovery by April 1, 2019.
3. The government shall identify its case-in-chief trial witnesses and provide digital copies of its trial exhibits to the clerk and defense counsel by June 14, 2019.
4. The defendants shall file any objections as to the authenticity, foundation, and completeness of the government's trial exhibits by August 2, 2019.
5. The government shall file its proposed jury instructions and verdict form by August 23, 2019.

**\*Changes to the dates and deadlines are bolded.**

6. The defendants shall file any objections to the government's proposed jury instructions and verdict form by September 6, 2019.

7. The court will conduct pretrial hearings on the following dates and times in the first floor courtroom in Roanoke:

- a. Friday, January 25, 2019 at 10 a.m. At this hearing, the court will address all pretrial motions noticed by the parties.
- b. Friday, April 19, 2019 at 10 a.m. At this hearing, the court will address all motions to sever, composition of the jury, a proposed jury questionnaire, and other pretrial matters noticed by the parties. Pursuant to Fed. R. Crim. P. 12(c)(3), absent good cause, the court will not address pretrial any other motions to sever after this hearing.
- c. Friday, June 7, 2019 at 10 a.m. At this hearing, the court will address any motions to dismiss the indictment and other pretrial matters noticed by the parties. Pursuant to Fed. R. Crim. P. 12(c)(3), absent good cause, the court will not address pretrial any motions to dismiss the indictment after this hearing.
- d. Friday, July 19, 2019 at 10 a.m. At this hearing, the court will address any motions to suppress and other pretrial matters noticed by the parties. Pursuant to Fed. R. Crim. P. 12(c)(3), absent good cause, the court will not address pretrial any other motions to suppress after this hearing.
- e. Friday, August 23, 2019 at 10 a.m. At this hearing, the court will address objections as to the authenticity, foundation, and completeness of the

government's trial exhibits and other pretrial matters noticed by the parties. Pursuant to Fed. R. Crim. P. 12(c)(3), absent good cause, the court will not address pretrial any other objections as to the authenticity, foundation, and completeness of the government's trial exhibits after this hearing.

f. Friday, September 13, 2019 at 10 a.m. At this hearing, the court will address any motions in limine and other pretrial matters noticed by the parties. Pursuant to Fed. R. Crim. P. 12(c)(3), absent good cause, the court will not address pretrial any other motions in limine after this hearing.

g. Friday, September 27, 2019 at 10 a.m. Final Pretrial Conference.

8. All pretrial motions shall be filed by the parties no later than twenty-one (21) days before the date set for hearing, pursuant to Fed. R. Crim. P. 12(c)(1). A motion must state the grounds on which it is based and the relief or order sought. Motions raising questions of law must be supported by legal memoranda filed contemporaneously therewith.

9. A party opposing a pretrial motion shall file its response and legal memorandum no later than fourteen (14) days after the **corresponding deadline** for filing of the motion.

10. The court's **August 27, 2018 order, ECF No. 181**, setting deadlines for motions to dismiss based on the Fourth Circuit's decision in United States v. Simms, 914 F.3d 229 (4th Cir. 2019) is **vacated**. All motions to dismiss shall be filed in accordance with the schedule set forth above.

11. Should the parties wish to address any issues regarding the schedule of this case, they should contact the court's Courtroom Deputy Clerk Kristin Ayersman at [Kristina@vawd.uscourts.gov](mailto:Kristina@vawd.uscourts.gov) (540) 857-5153. Any other matters needing the court's attention may be directed to the court's Law Clerks David Kahan at [Davidk@vawd.uscourts.gov](mailto:Davidk@vawd.uscourts.gov) (540) 857-5124 or Allison Bailey at [Allisonbb@vawd.uscourts.gov](mailto:Allisonbb@vawd.uscourts.gov) (540) 857-5124.

It is so **ORDERED**.

Entered:

3/5/19

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge